FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.730 OF 2004

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.D.R.More, A.P.P. for the State.

CORAM : R.S. MOHITE,J.
DATED : 12/1/2006.

P.C.

1. This is an appeal filed by the State impugning a judgment and order passed by the J.M.F.C. Kurundwad on 21.2.2004 acquitting the accused for offences punishable under Section 279,337,338,427 of the I.P.C. and U/s. 184,134/177 of the M.V.Act. On perusal of the impugned judgment and order, it is seen that benefit of doubt has been given to the accused. The vehicle in question was admittedly on the wrong site of the road. The jeep which the accused was driving was examined for

mechanical defect. Court Witness No.2 found that tyre rod end of the jeep had come out of the nut. This witness was not examined by the prosecution but examined as court witness. He has admitted that accused could not have had control over the vehicle due to such mechanical defect. In my view, not a fit case to interfere,. Hence, leave refused. Consequently the appeal stands dismissed.

(R. S. MOHITE, J.)

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